

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANK PAINE, JR.,

Case No. 08-CV-10099

Plaintiff,

John Corbett O'Meara

vs.

United States District Judge

UNITED STATES OF AMERICA,

Michael Hluchaniuk

United States Magistrate Judge

Defendant.

ORDER GRANTING MOTION TO COMPEL (Dkt. 30)

On July 6, 2009, defendant filed a motion to compel plaintiff to produce expert reports. (Dkt. 30). This motion was referred to the undersigned by District Judge John Corbett O'Meara. (Dkt. 31). On July 16, 2009, the Court issued an order requiring, among other things, plaintiff to file a response to the motion by July 30, 2009. (Dkt. 34). In that order, the Court made it clear that "[f]ailure to do so may result in sanctions, including granting all or part of the relief requested by the moving party." *Id.* Plaintiff has failed to file a timely response to defendant's motion.

Based on the foregoing, plaintiff is **ORDERED** to produce any expert reports for witnesses that he intends to have testify under Federal Rules of Evidence 702, 703, or 705 by **August 30, 2009**. Should plaintiff fail to do so, he is

barred from offering any expert testimony at trial. The hearing currently scheduled for August 19, 2009 is **CANCELLED**.

IT IS SO ORDERED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within 10 days of service as provided for in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not assign as error any defect in this Order to which timely objection was not made. Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), any objection must be served on this Magistrate Judge.

Dated: August 13, 2009

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on August 13, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing to the following: Francis A. Amicone and Theresa M. Urbanic, AUSA.

s/Pete Peltier
Pete Peltier
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